



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AAS:ICR
F. #2015R01787

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 16, 2018

By Email and ECF

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Re: United States v. Dan Zhong
Criminal Docket No. 16-614 (DLI)

Dear Counsel:

The government is producing the following materials that have been designated "Sensitive Discovery Material" under the terms of the Protective Order dated February 22, 2017 (Dkt. No. 37):

- As discussed in the government's November 8, 2018 letter, the government is producing English translations of certain Chinese-language source materials included in the documents produced to the defendant under Bates range ESI00044518-ESI00044980, which have been Bates stamped TR003103-TR003124.

In addition, the government is producing additional translations of 35 emails which were previously produced to the defendant under Bates numbers DZ067471 and DZ067473 and which contained some Chinese-language text. To provide the defendant with context for the translations, the government is producing the translated material together with the parent email and/or attachments which were in originally in English. These translations have been Bates stamped TR003125-TR003303.

To assist counsel in identifying the Chinese-language source document for each translation, the government has provided to defense counsel under separate cover charts identifying the Chinese-language source document for each translation Bates stamped TR003103-TR003124 and TR003125-TR003303.

- Pursuant to Rule 16, the government is producing some financial records obtained from the Bank of China which may have been inadvertently

omitted from the government's prior discovery productions (DZ067474-DZ067825);

- Pursuant to Rule 16, the government is producing records obtained from the Bank of China relating to work performed by the defendant's construction business (BOCNY_00000001-BOCNY_00000037) and accompanying correspondence and certifications from the Bank of China regarding those records (DZ067826-DZ067829);
- Pursuant to Rule 16, the government is producing photographs of the work site at 304 Fifth Avenue in Manhattan taken during construction of the building which were voluntarily provided to the government by a witness (DZ067830-DZ067838);
- Pursuant to Rule 16, the government is producing photographs of the work site at 304 Fifth Avenue in Manhattan taken during construction of the building and other related electronic documents which were voluntarily provided to the government by a witness (DZ067839-DZ067899); and

Finally, as previously disclosed in court filings, including the criminal complaint, filings in connection with detention hearings, the opposition to the defendant's motion for Rule 15 depositions, as well as the affidavit in support of the search warrant for the defendant's personal email account, government agents have had numerous encounters with Chinese nationals who were at the time working for the defendant Dan Zhong's construction business, including construction workers and more senior managers, including Zhong's co-defendant, Landong Wang. During these encounters, these witnesses have made statements that the government views as generally inculpatory with respect to the instant prosecution. However, in an abundance of caution, the government is providing redacted reports of such interactions, pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S. 150 (1972) (DZ067900-DZ068131).

The government renews its request for reciprocal discovery from the defendant.

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

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Enclosures (TR003103-TR003303)
(DZ067474-DZ068131)
(BOCNY_00000001-BOCNY_00000037)

cc: Clerk of the Court (DLI) (by ECF) (without enclosures)